

1 Joseph D. Horne  
2 #V-84328  
3 V.V.S.R.  
4 P.O. Box-5102  
5 Delano, CA 93216

FILED  
SEP - 2 2008  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

7 IN UNITED STATES DISTRICT COURT  
8 OF NORTHERN DISTRICT OF CALIFORNIA.

10 Joseph D. Horne,

11 Petitioner...

12 v.

13 Robert Horst Warden.

14 Respondent...

case no. C 07-4592-SBA

"REQUEST FOR  
EVIDENTIARY  
HEARING..."

17 Petitioner, Joseph Horne, hereby,  
18 request an "evidentiary hearing" to  
19 be held regarding the current  
20 case before the Honorable Dis-  
21 trict court.

23 Petitioner request that the  
24 Honorable District court hold an  
25 "evidentiary hearing" for the  
26 following reasons:

27 (1) Petitioner plans to show their  
28 testimony of Robert T. Hatchett

1 (trial counsel for petitioner) and  
 2 Garry St. Clair (P.T. for petitioner)  
 3 that trial counsel never expressed  
 4 to the petitioner any doubt any  
 5 part of the petitioner's story be-  
 6 fore trial...Further, to show that  
 7 counsel disbelieved that petitioner  
 8 was not at the "Baby Shower" (alibi  
 9 for count one) was mere spe-  
 10 culation, a belief that's was not  
 11 provoked by any admission by the  
 12 petitioner, nor was such belief pro-  
 13 voked by any type of evidence.  
 14

15 (2.) Petitioner desires to show evi-  
 16 dence that Many, if not all, witnesses  
 17 were afraid to speak for any side,  
 18 especially the defense because  
 19 of allegations made by the D.A.  
 20 in open court that petitioner's P.T.  
 21 Garry St. Clair, was involved in hav-  
 22 ing witness in petitioner's case  
 23 shot at...an allegation that forced  
 24 the court to order petitioner's  
 25 P.T. to stay away from all of the  
 26 witness. Such allegation and order  
 27 was made on record by the  
 28 the prosecutor and Honorable

1 Judge Sillman...such evidence will  
 2 surely show that Robert T. Hatchet  
 3 reason for not believing petitioner-  
 4 eris alibi was insufficient and abso-  
 5 lutely...due to the fact counsel knew  
 6 with no doubt why witness would  
 7 not speak to petitioner's defense  
 8 team.

9  
 10 (3.) Petitioner plans to show that  
 11 trial counsel possessed no evi-  
 12 dence that petitioner was being  
 13 untruthful at any time. (which may  
 14 be evident in trial counsel's declara-  
 15 tion filed in the state courts...  
 16 but petitioner believes it would  
 17 be more settled if counsel was  
 18 forced to undergo cross exami-  
 19 nation regarding his ethical  
 20 obligation claim that petitioner  
 21 believe he coated in his attempt  
 22 to intimidate petitioner in hopes  
 23 that he would not testify on his  
 24 own behalf...)

25  
 26 (4.) Petitioner desires to show  
 27 evidence that he was not inform-  
 28 ed that his trial counsel would

set out and not protect him during cross-examination.

Further, an "evidentiary Hearing" is necessary for the reasons set forth above... and for any arguments set forth by Petilio in his "Brief" that the Honab-Honorable feels need to be proven further.

Petitioner, hereby, declares  
under penalty of perjury that the  
foregoing is true...

executed at K.V.S.P. on 8/25/08

signed John M

PRO PER Joseph Horne  
K.V.S.P.  
P.O. BOX-5102  
Delano, CA 93216

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

1. Joseph Horne , declare:

I am over 18 years of age and a party to this action. I am a resident of K-V-S-R,  
Prison.

in the county of Kern County  
State of California. My prison address is: P.O. Box 5102  
Delano, CA 93216

On August 26<sup>th</sup> 2008

I served the attached Motion for "Evidence Only" Hearing.

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon, fully paid, to the United States, Mail in a deposit box, so provided in the above-named correctional institution in which I am, presently confined. The envelope was addressed as follows:

Attorney General  
455 Golden Gate Avenue Suite 11000  
San Francisco, CA 94102-7004

I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

Executed on August 26<sup>th</sup> 2008

2020 AR&H DESIGN AWARDS